UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,678	03/02/2004	Jeffry Jovan Philyaw	RPXC-26664	2622

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HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER
COULTER, KENNETH R

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
04/03/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *03 January 2012*.
2a) ☒ This action is **FINAL**.　　　　2b) ☐ This action is non-final.
3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) *1-36* is/are pending in the application.
　　5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6) ☐ Claim(s) _____ is/are allowed.
7) ☒ Claim(s) *1-36* is/are rejected.
8) ☐ Claim(s) _____ is/are objected to.
9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.
11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a) ☐ All　b) ☐ Some * c) ☐ None of:
　　　1. ☐ Certified copies of the priority documents have been received.
　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

An Appeal Brief was filed in the present Application on 3/16/2009.

In response, an Examiner's Answer was presented by Examiner on 6/11/2009.

Examiner was Affirmed In Part by the BPAI on 11/1/2011. The BPAI presented a

new grounds of rejection (35 USC 103 rejection) based on the 35 USC 102(e)

rejection in the Examiner's Answer.

Applicant has reopened prosecution before the Examiner by submitting an

appropriate amendment (see MPEP 1214.01 and 37 CFR 41.50(b)(1))

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 1 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wilz, Sr. et al. (U.S. Pat. No. 6,152,369) (System for Storing, Accessing and

Displaying HTML Encoded).

2.1   Regarding claim 1, Wilz discloses a method of accessing one or more remote locations on a network by sensing a machine-resolvable code, comprising the steps of:

providing a first computer disposed on the network, the first computer being interfacable to an input device for sensing a machine resolvable code proximate a first location, the first computer running a software application which includes a software identification code unrelated to the machine resolvable code having an association with at least one of the one or more remote locations (Abstract; Figs. 4, 5, 11A, 11B; col. 27, lines 22 – 62; col. 27, line 63 – col. 28, line 15);

accessing with the first computer a second computer disposed on the network in accordance with routing information provided by the first computer and in response to sensing by the input device the machine-resolvable code proximate the first location; **transferring** to the second computer from the first computer at least the software identification code (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15);

storing in an associative database at the second computer associations between software identification codes and ones of the one or more remote locations and operable to have routing information associated with each of the one or more remote locations (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15);

performing a lookup operation at the second computer to match the software identification code with the associated at least one of the one or more

remote locations in accordance with the stored associations to obtain associated

remote routing information corresponding to the associated at least one of the

one or more remote locations (Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15);

returning to the first computer from the second computer the remote

routing information of the at least one of the one or more remote locations

determined at the second computer to correspond to the software identification

code that was **transferred** from the first computer to the second computer

(Abstract; Fig. 3; col. 27, line 63 – col. 28, line 15); and

accessing with the first computer the associated at least one of the one or

more remote locations according to the returned remote routing information to

retrieve remote information from the one of the one or more remote locations

associated with the returned remote routing information (Abstract; Fig. 3; col. 27,

line 63 – col. 28, line 15).

col. 27, lines 22 – 62

> The RDBMS software (e.g., 4D Version 6.0 from ACI US, Inc.) is
> used to construct a RDBMS 55 within or at the back-end of each
> Internet RTD Server 51. As shown in FIG. 11B, the RDBMS 51 is
> used to maintain a hypermedia-type relational database containing
> package shipping, tracking and delivery related information. As
> shown in FIG. 11B, each database record (i.e., RTD information
> record) maintained for each package logged-into the system
> comprises a number of information fields, namely: a URL Field
> 55A, for storing the URL assigned to each package, at which a
> static information storage location resides on a web-page on the
> RTD Internet Server 51; a Package Identification Field 55B for
> storing a unique number assigned to each package being routed,
> tracked and delivered within the RTD system hereof; a Shipper
> Identification Number Field 55C for storing an identifying number
> assigned to each shipper authorized to ship packages within the
> RTD system; a Destination Information Field 55D for storing
> information describing the (initially, past and currently
> specified) destination(s) of the package; a Zip Code Information

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Field 55E for storing Zip Code information on the package
destination; a Package Content Information Field 55F for storing
information regarding the contents of the package; a Delivery
Instructions Field 55G for storing delivery instructions (e.g.,
including graphical maps, audio-based delivery instructions,
etc.) for use in delivering the package to its destination; a
Date of Log-In Field 55H for storing the date the package is
logged-in with the system; a Date of Shipping Field 55I for
storing the date the package was shipped (or is expected to be
shipped) within the system; a Date of Delivery Field 55J for
storing the date the package was delivered (or is expected to be
delivered) to its destination; a Package "Goto" Field 55K for
storing information on the location of the package within the RTD
system; a Time/Date of "Goto" Field 55L for storing information
on the time and date of the tracked location of the package
within the RTD system; a Shipping Route Field 55M for storing
information specifying the planned route of travel assigned to
end logged-in package; and Other Information Fields 55N, 550 and
55P for storing various items of information relating to the
package description, shipping, tracking and delivery.
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col. 27, line 63 – col. 28, line 15

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In order that each subsystem 52, 53 and 54 can connect with RTD
Server 51 and access the RTD information record associated with
any package logged-in with the system, the following measures are
taken: (1) each logged-in package 56 is labeled with a URL-
encoded bar code symbol 57 having an information field structure
shown in FIG. 12, as well as a conventional name/address label;
and (2) the URL encoded within the bar code symbol is used to
specify the location of an information storage field 58
represented on a statically-defined HTML-encoded information
field 59 on a web-page stored on the RTD Information Server 51
and served to client subsystems by HTTP Server 60. The size of
each Web-based information storage field 58 is sufficient to
store ASCII information describing the unique product
identification number assigned to the corresponding product being
routed and tracked within the system. The RTD information record
in the RDBMS 55 associated with any particular package is linked
to the URL by the product identification number stored at the
information field specified by the URL.
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However, Wilz does not explicitly disclose information transfer from a first

computer to a second computer.

It is common for a computer to have recorded in its TCP/IP software files the IP address of a Domain Name Server which is consulted to resolve URL addresses into IP addresses. Furthermore, a message sent to a Domain Name Server to resolve a URL includes the IP address of that Domain Name Server in the addressing contained in the packet sent using TCP/IP protocols to the other computer.

One of ordinary skill in the art at the time of the invention would recognize in Wilz the disclosure of the common practive of storing a software identification code in the form of an IP address of a Domain Name Server in a first computer (client system). This DNS server address is unrelated to the URL the DNS server is being asked to resolve in that they identify different remote systems. Furthermore, in Wilz the scanning of the bar code causes a response to sensing by the input device the machine-resolvable code which is URL encoded in the bar code. That response is the accessing with the first computer (client system) a second computer (DNS server) disposed on the network in accordance with routing information provided by the first computer and transferring to the second computer from the first computer at least the software identification code. (In DNS resolution, the message sent to the DNS server also contains the URL of the remote server, which is the subject of claim 13.)

Furthermore, one of ordinary skill in the art would know that the DNS server stores additional IP addresses (software identification codes) that correlate to URL system address of one or more remote locations such that the URL is

resolved into routing information (IP addresses) so that the first computer can

reach the remote locations. The table of URL/domain names and IP addresses

stored and consulted at the DNS server is the very purpose of the DNS system.

The DNS server receives the request from the first computer, and in checking the

TCP/IP message destination address with its own records to determine that it is

the recipient of the message, the DNS server performs a lookup operation at the

second computer to match the software identification code with a remote (the

DNS server), so that the DNS server may obtain associated remote routing

information. The DNS server returns the IP address/routing information in the

DNS request to the first computer which corresponds to the software

identification code (address of the DNS server in the DNS request message of a

URL to resolve) for the remote location such that the first computer can access

the remote location corresponding to the URL address sent for resolving, using

the returned IP address. Therefore, one of ordinary skill in the art would

recognize that Wilz discloses the common practice of requesting an IP address

for a URL (from the scanned bar code) from a DNS server, **thus meeting the**

claim language as to routing information.

Also, Wilz does not explicitly disclose newly added information regarding the

software identification code is unique to the software application; and that the

software identification code identifies the software application and wherein the

software application identified by the software identification code can run on

multiple computers at different locations on the network.

However, this new feature is simply giving the software a name or serial number.

Examiner considers this the inherent licensing of software; software that is not

specific to a particular user. Therefore, this new feature does not add a

patentably distinct feature over the prior art.

2.2   Per claim 2, Wilz teaches the method of claim 1, wherein the step of

accessing with the first computer further comprises the steps of:

returning information from the associated at least one of the one or more

remote locations to the first computer (Abstract; Figs. 4, 5; col. 27, line 63 – col.

28, line 15); and

presenting at least a portion of the information so returned on the display

of the first computer for presentation to the user (Abstract; Figs. 4, 5; col. 27, line

63 – col. 28, line 15).

2.3   Regarding claim 3, Wilz discloses the method of claim 1 wherein in

response to the sensing of a machine-resolvable code using the input device, the

software application running on the first computer converts the software

identification code and generates routing information for transmission to the

second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

2.4   Per claim 4, Wilz teaches the method of claim 3, wherein the routing

information includes the software identification code and the address of the

second computer (Abstract; Figs. 4, 5; col. 27, line 63 – col. 28, line 15).

2.5   Regarding claim 5, Wilz discloses the method of claim 1, wherein the

machine-resolvable code is an optical code and the input device is an optical

code scanner (col. 27, line 66 – col. 28, line 7).

2.6   Per claim 6, Wilz teaches the method of claim 5, wherein the optical code

is a bar code and the optical code scanner is a bar code scanner (col. 27, line 66

– col. 28, line 7).

2.7   Regarding claim 7, Wilz discloses the method of claim 6, wherein the bar

code is a universal product code (UPC) bar code (col. 25, lines 54 – 61).

2.8   Per claim 8, Wilz teaches the method of claim 5, wherein the optical code

is alphanumeric text and the optical code scanner is an optical character

recognition (OCR) scanner (col. 21, lines 11 – 23; col. 4, lines 16 – 17).

2.9   Regarding claim 9, Wilz discloses the method of claim 5, wherein the

optical code is a portion of a display screen displaying a pattern of modulated

brightness and the optical code scanner comprises a light sensor (col. 3, lines 5

– 12; col. 4, lines 8 – 19).

2.10   Per claim 10, Wilz teaches the method of claim 1, wherein the machine-

resolvable code is an audio tone and the input device comprises a microphone

(col. 36, lines 11 – 33; Fig. 19).

2.11   Regarding claim 11, Wilz discloses the method of claim 1, wherein the

machine-resolvable code is a magnetic pattern in a strip of magnetic material and

the input device is a magnetic strip reader (col. 37, lines 9 – 15).

2.12   Per claim 12, Wilz teaches the method of claim 1, wherein the machine-

resolvable code is a pattern of electromagnetic signals transmitted from an

induction-coupled transceiver device and the input device is an electromagnetic

signal receiver (col. 21, lines 11 – 29; col. 37, lines 9 – 15).

2.13   Regarding claim 13, Wilz discloses the method of claim 1, wherein: the

machine-resolvable code is associated with at least a second of the one or

remote locations; the step of transferring is operable to also transfer the sensed

machine-resolvable code to the second computer; the step of storing

associations comprises storing an association between ones of machine

resolvable codes and ones of the one or more remote locations; and the step of

performing a lookup operation at the second computer further comprises

matching the received machine-resolvable code with the associated at least a

second of the one or more remote locations to obtain remote routing information

corresponding to the associated at least a second of the one or more remote

locations (Abstract; Figs. 4, 5).

2.14   Per claim 14, Wilz teaches the method of claim 13, wherein the step of

returning the remote routing information further comprises returning the remote

routing information corresponding to the associated at least a second of the one

or more remote locations from the second computer to the first computer

(Abstract; Figs. 4, 5).

2.15   Regarding claim 15, Wilz discloses the method of claim 14, wherein the

step of accessing with the first computer further comprises the steps of,

returning information from the associated at least one of the one or more

remote locations to the first computer (Fig. 4; col. 22, lines 6 – 26);

returning information from the associated second of the one or more

remote locations to the first computer (Fig. 4; col. 22, lines 6 – 26); and

framing at least a portion of the information from the associated at least

one of the one or more remote locations and at least a portion of the information

from the associated second of the one or more remote locations in a browser

window of the first computer for presentation to the user (Fig. 4; col. 22, lines 6 –

26).

2.16   Per claim 16, Wilz teaches the method of claim 1, wherein the network is a

global communication network (col. 10, lines 28 – 30).

2.17   Regarding claim 33, Wilz discloses the method of claim 1, wherein a

remote location is accessible corresponding to each one of the group consisting

of the machine-resolvable code, the software identification code and the input

device ID (Abstract; Figs. 4, 5).

2.18   Per claim 34, Wilz teaches the method of claim 33, wherein the step of

performing a lookup operation includes obtaining routing information for a remote

location corresponding respectively to each one of the machine resolvable code,

the software identification code and the input device ID (Abstract; Figs. 4, 5).

2.19   Regarding claims 17 – 32, 35, and 36, the rejection of claims 1 – 16, 33,

and 34 under 35 USC 103 (paragraphs 2.1 – 2.18 above) applies fully.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is (571)272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kenneth R Coulter

/Kenneth R Coulter/
Primary Examiner, Art Unit 2445

/KRC/